

110TH CONGRESS
1ST SESSION

S. 1673

To facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2007

Mr. BAUCUS (for himself, Mr. CRAPO, Mr. BINGAMAN, Ms. CANTWELL, Mrs. LINCOLN, Ms. STABENOW, Mr. WYDEN, Mr. HARKIN, Ms. LANDRIEU, Mr. ROBERTS, Mr. DORGAN, Mr. ENZI, and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To facilitate the export of United States agricultural products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Promoting American
3 Agricultural and Medical Exports to Cuba Act of 2007”.

4 **SEC. 2. CLARIFICATION OF PAYMENT TERMS UNDER**
5 **TRADE SANCTIONS REFORM AND EXPORT EN-**
6 **HANCEMENT ACT OF 2000.**

7 Section 908(b)(1) of the Trade Sanctions Reform and
8 Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1))
9 is amended by inserting after subparagraph (B) the fol-
10 lowing:

11 “(C) Notwithstanding any other provision
12 of law, the term ‘payment of cash in advance’
13 means the payment by the purchaser of an agri-
14 cultural commodity or product and the receipt
15 of such payment by the seller prior to—

16 “(i) the transfer of title of such com-
17 modity or product to the purchaser; and

18 “(ii) the release of control of such
19 commodity or product to the purchaser.”.

20 **SEC. 3. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN**
21 **CUBAN AND UNITED STATES DEPOSITORY IN-**
22 **STITUTIONS.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, the President may not restrict direct transfers
25 from a Cuban depository institution to a United States
26 depository institution executed in payment for a product

1 authorized for sale under the Trade Sanctions Reform and
 2 Export Enhancement Act of 2000 (22 U.S.C. 7201 et
 3 seq.).

4 (b) DEPOSITORY INSTITUTION DEFINED.—For pur-
 5 poses of subsection (a), the term “depository institution”
 6 means any entity that is engaged primarily in the business
 7 of banking (including a bank, savings bank, savings asso-
 8 ciation, credit union, trust company, or bank holding com-
 9 pany).

10 **SEC. 4. ESTABLISHMENT OF AGRICULTURAL EXPORT PRO-**
 11 **MOTION PROGRAM WITH RESPECT TO CUBA.**

12 (a) IN GENERAL.—The Secretary of Agriculture shall
 13 establish a program to provide information and technical
 14 assistance to United States agricultural producers, cooper-
 15 ative organizations, or state agencies that promote the sale
 16 of agricultural commodities, in order to promote and facili-
 17 tate United States exports of agricultural products to
 18 Cuba as authorized by the Trade Sanctions Reform and
 19 Export Enhancement Act of 2000.

20 (b) TECHNICAL ASSISTANCE TO FACILITATE EX-
 21 PORTS.—The Secretary shall maintain on a website on the
 22 Internet information to assist exporters and potential ex-
 23 porters of United States agricultural commodities with re-
 24 spect to Cuba.

1 (c) AUTHORIZATION OF FUNDS.—The Secretary is
2 authorized to expend such sums as may be available in
3 the Agricultural Export Promotion Trust Fund estab-
4 lished under section 10 to carry out the provisions of this
5 section.

6 **SEC. 5. SENSE OF CONGRESS THAT VISAS SHOULD BE**
7 **ISSUED.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Secretary of State should issue visas for
10 temporary entry into the United States to nationals of
11 Cuba whose itinerary documents an intent to conduct ac-
12 tivities, including phytosanitary inspections, relating to
13 the purchase of United States agricultural goods pursuant
14 to the provisions of the Trade Sanctions Reform and Ex-
15 port Enhancement Act of 2000 (22 U.S.C. 7201 et seq.).

16 (b) PERIODIC REPORTS.—

17 (1) IN GENERAL.—Not later than 45 days after
18 the date of the enactment of this Act, and every 90
19 days thereafter, the Secretary of State shall submit
20 to the Committee on Finance, the Committee on Ag-
21 riculture, Nutrition, and Forestry, and the Com-
22 mittee on Foreign Relations of the Senate, and the
23 Committee on Agriculture, the Committee on Ways
24 and Means, and the Committee on Foreign Affairs

1 of the House of Representatives a report on the
 2 issuance of visas described in subsection (a).

3 (2) CONTENT OF REPORTS.—Each report under
 4 paragraph (1) shall contain a full description of each
 5 application received from a national of Cuba for a
 6 visa to travel to the United States to engage in pur-
 7 chasing activities pursuant to the provisions of the
 8 Trade Sanctions Reform and Export Enhancement
 9 Act of 2000 (22 U.S.C. 7201 et seq.) and shall de-
 10 scribe the disposition of each such application.

11 **SEC. 6. ADHERENCE TO INTERNATIONAL AGREEMENTS**
 12 **FOR THE MUTUAL PROTECTION OF INTEL-**
 13 **LECTUAL PROPERTY, INCLUDING REPEAL OF**
 14 **SECTION 211.**

15 (a) REPEAL OF PROHIBITION ON ENFORCEMENT OF
 16 RIGHTS TO CERTAIN UNITED STATES INTELLECTUAL
 17 PROPERTIES AND TRANSFER OF SUCH PROPERTIES.—

18 (1) REPEAL.—Section 211 of the Department
 19 of Commerce and Related Agencies Appropriations
 20 Act, 1999 (section 101(b) of division A of Public
 21 Law 105–277; 112 Stat. 2681–88) is repealed.

22 (2) REGULATIONS.—The Secretary of the
 23 Treasury shall promulgate such regulations as are
 24 necessary to carry out the repeal made by paragraph
 25 (1), including removing any prohibition on trans-

1 actions or payments to which subsection (a)(1) of
2 section 211 of the Department of Commerce and
3 Related Agencies Appropriations Act, 1999, applied.

4 (3) FURTHER REGULATIONS.—The Secretary of
5 the Treasury shall amend the Cuban Assets Control
6 regulations (part 515 of title 31, Code of Federal
7 Regulations) to authorize under general license the
8 transfer or receipt of any trademark or trade name
9 subject to United States law in which a national of
10 a designated foreign country has an interest. The fil-
11 ing and prosecution of opposition and infringement
12 proceedings related to any trademark or trade name
13 in which a national of a designated foreign country
14 has an interest and the prosecution of any defense
15 to such proceedings shall also be authorized by gen-
16 eral license.

17 **SEC. 7. TRAVEL TO CUBA.**

18 (a) FREEDOM OF TRAVEL FOR UNITED STATES CITI-
19 ZENS AND LEGAL RESIDENTS.—On and after the date of
20 the enactment of this Act, and subject to subsection (c)—

21 (1) the President may not regulate or prohibit,
22 directly or indirectly, travel to or from Cuba by
23 United States citizens or legal residents, or any of
24 the transactions incident to such travel that are set
25 forth in subsection (b); and

1 (2) any regulation in effect on such date of en-
2 actment that regulates or prohibits travel to or from
3 Cuba by United States citizens or legal residents or
4 transactions incident to such travel shall cease to
5 have any force or effect.

6 (b) TRANSACTIONS INCIDENT TO TRAVEL.—

7 (1) IN GENERAL.—The transactions incident to
8 travel referred to in subsection (a) are—

9 (A) any transactions ordinarily incident to
10 travel to or from Cuba, including the importa-
11 tion into Cuba or the United States of accom-
12 panied baggage for personal use only;

13 (B) any transactions ordinarily incident to
14 travel or maintenance within Cuba, including
15 the payment of living expenses and the acquisi-
16 tion of goods or services for personal use;

17 (C) any transactions ordinarily incident to
18 the arrangement, promotion, or facilitation of
19 travel to, from, or within Cuba;

20 (D) any transactions incident to non-
21 scheduled air, sea, or land voyages, except that
22 this paragraph does not authorize the carriage
23 of articles into Cuba or the United States other
24 than accompanied baggage described in sub-
25 paragraph (A); and

1 (E) normal banking transactions incident
2 to the activities described in subparagraphs (A)
3 through (D) of this paragraph, including the
4 issuance, clearing, processing, or payment of
5 checks, drafts, travelers checks, credit or debit
6 card instruments, or similar instruments.

7 (2) EXCEPTION.—Nothing in this section shall
8 be deemed to authorize the importation into the
9 United States of any goods acquired in Cuba for
10 personal consumption.

11 (c) LIMITATIONS.—The provisions of this section
12 shall not apply in a case in which the United States is
13 at war with Cuba, armed hostilities between the 2 coun-
14 tries are in progress, or there is imminent danger to the
15 public health or the physical safety of citizens and lawful
16 permanent residents of the United States who travel to
17 Cuba.

18 (d) EFFECTIVE DATE.—

19 (1) IN GENERAL.—The provisions of this sec-
20 tion apply to actions taken by the President before
21 the date of the enactment of this Act and that are
22 in effect on such date of enactment, and to actions
23 taken on or after such date of enactment.

24 (2) INAPPLICABILITY OF OTHER PROVISIONS.—

25 This section applies notwithstanding section 102(h)

1 of the Cuban Liberty and Democratic Solidarity
2 (LIBERTAD) Act of 1996 (22 U.S.C. 6032(h)) and
3 section 910(b) of the Trade Sanctions Reform and
4 Export Enhancement Act of 2000 (22 U.S.C.
5 7209(b)).

6 **SEC. 8. EXPORT OF MEDICINES AND MEDICAL DEVICES TO**
7 **CUBA.**

8 (a) REPEAL OF REQUIREMENT FOR ONSITE
9 VERIFICATIONS.—Section 1705 of the Cuban Democracy
10 Act of 1992 (22 U.S.C. 6004) is amended by striking sub-
11 section (d).

12 (b) RULE OF CONSTRUCTION.—Nothing in the
13 amendment made by subsection (a) shall be construed to
14 restrict the authority of the President to—

15 (1) impose export controls with respect to the
16 export of medicines or medical devices under sec-
17 tions 5 or 6 of the Export Administration Act of
18 1979; or

19 (2) exercise the authorities the President has
20 under the International Emergency Economic Pow-
21 ers Act with respect to Cuba pursuant to a declara-
22 tion of national emergency required by that Act that
23 is made on account of an unusual and extraordinary
24 threat, that did not exist before the enactment of

1 this Act, to the national security, foreign policy, or
2 economy of the United States.

3 **SEC. 9. INCREASE IN AIRPORT TICKET TAX FOR TRANSPOR-**
4 **TATION BETWEEN UNITED STATES AND**
5 **CUBA; ESTABLISHMENT OF AGRICULTURAL**
6 **EXPORT PROMOTION TRUST FUND.**

7 (a) INCREASE IN TICKET TAX.—Subsection (c) of
8 section 4261 of the Internal Revenue Code of 1986 (relat-
9 ing to use of international travel facilities) is amended by
10 adding at the end the following new paragraph:

11 “(4) SPECIAL RULE FOR CUBA.—In any case in
12 which the tax imposed by paragraph (1) applies to
13 transportation beginning or ending in Cuba before
14 January 1, 2013, such tax shall be increased by
15 \$1.00.”.

16 (b) AGRICULTURAL EXPORT PROMOTION TRUST
17 FUND.—

18 (1) IN GENERAL.—Subchapter A of chapter 98
19 of the Internal Revenue Code of 1986 (relating to
20 establishment of trust funds) is amended by adding
21 at the end the following new section:

22 **“SEC. 9511. AGRICULTURAL EXPORT PROMOTION TRUST**
23 **FUND.**

24 “(a) CREATION OF TRUST FUND.—There is estab-
25 lished in the Treasury of the United States a trust fund

1 to be known as the ‘Agricultural Export Promotion Trust
2 Fund’, consisting of such amounts as may be appropriated
3 or credited to such fund as provided in this section or sec-
4 tion 9602(b).

5 “(b) TRANSFERS TO TRUST FUND.—There are here-
6 by appropriated to the Agricultural Export Promotion
7 Trust Fund amounts equivalent to the taxes received in
8 the Treasury by reason of section 4261(c)(4).

9 “(c) EXPENDITURES.—Amounts in the Agricultural
10 Export Promotion Trust Fund shall be available, as pro-
11 vided by appropriation Acts, for making expenditures to
12 the Secretary of Agriculture for the purposes set out in
13 section 4.”.

14 (2) CONFORMING AMENDMENT.—Subparagraph
15 (B) of section 9502(b)(1) of such Code is amended
16 by inserting “(other than by reason of subsection
17 (c)(4) thereof)” after “sections 4261”.

18 (3) CLERICAL AMENDMENT.—The table of sec-
19 tions for subchapter A of chapter 98 of such Code
20 is amended by adding at the end the following new
21 item:

“Sec. 9511. Agricultural Export Promotion Trust Fund.”.

22 (c) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply to transportation beginning
24 after the 90-day period beginning on the date of the enact-

- 1 ment of this Act, except that such amendment shall not
- 2 apply to amounts paid before the end of such period.

